UNITED STATES DEPARTMENT OF COMMERCE
**Patent and Trademark Office**
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|---|---|---|---|
| 08/407,064 | 03/20/95 | KATZ | R 6046-101NA |

022249
LYON & LYON LLP
SUITE 4700
633 WEST FIFTH STREET
LOS ANGELES CA 90071-2066

WM02/0104

| EXAMINER | |
|---|---|
| WOO, S | |
| **ART UNIT** | **PAPER NUMBER** |
| 2643 | |

**DATE MAILED:** 01/04/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

| Application No. | Applicant(s) |
|---|---|
| 08/407,064 | Katz |
| **Examiner** | **Group Art Unit** |
| Stella Woo | 2643 |

☒ Responsive to communication(s) filed on *Nov 2, 2000*

☒ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *3* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claim**

☒ Claim(s) *26-115* is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☒ Claim(s) *26-33 and 50* is/are allowed.

☒ Claim(s) *34-49 and 51-115* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

**Application Papers**

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

☐ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

*--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---*

## DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 34-39, 46-47, 49, 52, 54-78, 80-89, 93-104, 106-110, 114-115 are rejected under 35 U.S.C. 103(a) as being unpatentable over the publication entitled "Vision by telephone" in view of Yamaguchi (USPN 5,264,929), and further in view of Laycock (USPN 5,202,759).

The "Vision" publication discloses a system for monitoring a plurality of scrutiny locations from a central station using dial-up telephone facilities in which images from each scrutiny location are sequentially received and displayed along with graphic display data identifying the picture displayed (page 2). When an alarm sensor at a scrutiny location is triggered, the associated camera takes four snap-shots which are stored and transmitted to the called central station for priority display such that the usual surveillance sequence is interrupted (page 2, column 1, paragraph 4). Two-way audio communication can take place via telephones at each remote site and the central station (see figures on pages 2-3).

The "Vision" publication differs from claims 34-39, 46-49, 52, 54-78, 80-89, 93-104, 106-110, 114-115 in that it does not explicitly provide for the autodialing operation being actuated under control of a programmed computer. However, as shown by Yamagachi, it is well known in a video surveillance system to use a computer programmed with timing data (CPU 1, RAM 7b

and timer device 8 perform timer-activated operations; col. 11, line 54 - col. 12, line 39) to control video sequencing operations (col. 8, lines 25-41), including temporary interruption of the programmed sequence when an alarm signal is detected (col. 18, lines 40-64). It would have been obvious to an artisan of ordinary skill to incorporate such timer-activated computer control, as taught to be desirable by Yamaguchi, within the video surveillance system of the "Vision" publication in order to automate monitoring operations according to time setting conditions.

The "Vision" publication further differs from the claims in that the cameras provide slow-scan video rather than dynamic image television signals. However, Laycock teaches the transmission of dynamic video images over dial-up telephone line in a video surveillance system such that dynamic video, rather than slow-scan, can be provided over the a telephone line which is of limited bandwidth (Figure 4; col. 2, line 65 - col. 3, line 13). It would have been obvious to an artisan of ordinary skill to incorporate such provision of dynamic video images, as taught by Laycock, as an improvement over the slow-scan video generation of the "Vision by telephone" publication so that a more complete video image of the monitored location can be displayed.

Regarding claims 84-86, Laycock teaches the desirability of remotely controlling a surveillance camera (pan, tilt, zoom, focus, Figure 2; col. 2, lines 58-61; col. 6, lines 10-18) from a control station such that it would have been obvious to an artisan of ordinary skill to incorporate such remote camera control within the combination in order to allow user control over remote camera so that a desired image can be viewed. In this way, abnormal activity can be more completely monitored.

3. Claims 40-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over the "Vision by telephone" publication in view of Laycock (USPN 5,202,759) and further in view of Thompson (USPN 5,109,399) for the same reasons given in the last Office action and repeated below.

The "Vision" publication differs from claims 40-45 in that the cameras provide slow-scan video rather than dynamic image television signals. However, Laycock teaches the transmission of dynamic video images over dial-up telephone line in a video surveillance system such that dynamic video, rather than slow-scan, can be provided over the a telephone line which is of limited bandwidth (Figure 4; col. 2, line 65 - col. 3, line 13). It would have been obvious to an artisan of ordinary skill to incorporate such provision of dynamic video images, as taught by Laycock, as an improvement over the slow-scan video generation of the "Vision by telephone" publication so that a more complete video image of the monitored location can be displayed.

The "Vision" publication further differs from claims 40-45 in that it does not provide for storing display data on scrutiny locations with means for addressing the memory means based on "D" channel type signals. However, Thompson teaches the storage of display data (map, address, name, etc.) corresponding to different scrutiny locations and addressing the data based on ANI information (col. 3, lines 1-53) for the purpose of providing more detailed information with regard to an emergency call. It would have been obvious to incorporate such storage and addressing means within the system described in the publication in order to provide a central monitoring station with more detailed information of a calling scrutiny location in need of emergency help.

4. Claims 48, 51, 90-92, 111-113 are rejected under 35 U.S.C. 103(a) as being unpatentable over the "Vision by telephone" publication in view of Yamaguchi and Laycock, as applied to claims 46, 77, 103, and further in view of Thompson.

The combination differs from claims 48, 51, 90-92, 111-113 in that it does not provide for storing display data on scrutiny locations with means for addressing the memory means based on "D" channel type signals. However, Thompson teaches the storage of display data (map, address, name, etc.) corresponding to different scrutiny locations and addressing the data based on ANI information (col. 3, lines 1-53) for the purpose of providing more detailed information with regard to an emergency call. It would have been obvious to incorporate such storage and addressing means within the combination in order to provide a central monitoring station with more detailed information of a calling scrutiny location in need of emergency help.

5. Claims 53, 79, 105 are rejected under 35 U.S.C. 103(a) as being unpatentable over the "Vision by telephone" publication in view of Yamaguchi and Laycock, as applied to claims 46, 77, 103, and further in view of Fuller et al. (USPN 4,843,377, hereinafter "Fuller").

The combination differs from claims 53, 79, 105 in that it does not specify the selection of sites as being random. However, Fuller teaches the desirability of selecting the video monitoring of remote sites in a random or predetermined fashion (col. 12, lines 11-15) such that it would have been obvious to an artisan of ordinary skill to incorporate such random selection within the video monitoring system combination.

6. Claims 26-33, 50 are allowed.

7. Applicant's arguments filed November 2, 2000 have been fully considered but they are not persuasive.

Applicant has amended claims 46, 77 and 103 to provide for "dynamic" images to distinguish his system from the asserted art and argues that the "Examiner overlooks the 'dynamic' and real-time nature of Applicant's claimed system." Firstly, since claims 46, 77 and 103 did not previously recite "dynamic" video images, there was no reason to address this feature in the rejection of claims 46, 77 and 103 and, thus, no "dynamic" nature to overlook. Secondly, the Examiner did address the "dynamic" nature of Applicant's system in the rejection of claims 40-45 (page 3 of the last Office action) as being obvious over prior art including the patent to Laycock which teaches the desirability of transmitting dynamic video images over dial-up telephone lines in a video surveillance system, thus, enabling a monitoring station to better view the monitored location. Moreover, Laycock specifically suggests the benefit of providing dynamic over slow-scan (col. 3, lines 10-13).

Applicant argues that the "'Vision' system defies a combination with Yamaguchi because it clearly teaches away from a computer controlled environment." The examiner disagrees. The "Vision" system is a microprocessor-based system which automatically dials a plurality of remote sites (page 1, second column, second paragraph) but differs from the invention in that the actuation of the autodialing operation is initiated by a human operator rather than under computer timing control. It is well established that to make an operation automatic is an obvious improvement (In re Venner, 120 USPQ 192 (CCPA 1958)) and Yamaguchi clearly teaches the

benefit of a video surveillance system under computer program control in order to automate video monitoring operations according to time setting conditions rather than manual activation.

Regarding the combination of the "Vision" system and Laycock, Aplicant argues that "if it would have been obvious to one of ordinary skill in the art to combine the two references to arrive at the claimed invention, why did neither the "Vision" publication nor Laycock comtemplate or describe the combination." In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Moreover, the rejection is based on what would have been obvious to an artisan of ordinary skill at the time of invention, not by any particular inventor at some point previous to the invention.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. **Any response to this final action should be mailed to:**

**Box AF**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-6306 or (703) 308-6296;

(for formal communications, please mark "EXPEDITED PROCEDURE"; and for informal or draft communications, please label "PROPOSED" or "DRAFT").

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella Woo whose telephone number is (703) 305-4395 and can normally be reached from 6:00 a.m. until 2:30 p.m., Monday through Friday.

January 3, 2001

STELLA WOO
PRIMARY EXAMINER